



JONATHAN E. FIELDING, M.D., M.P.H.
Director and Health Officer

CYNTHIA A. HARDING, M.P.H.
Chief Deputy Director

313 North Figueroa Street, Room 806
Los Angeles, California 90012
TEL (213) 240-8117 • FAX (213) 975-1273

www.publichealth.lacounty.gov



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April 15, 2014

TO: Each Supervisor

FROM:  Jonathan E. Fielding, M.D., M.P.H.
Director and Health Officer

SUBJECT: **NOTICE OF TERMINATION OF COUNTY OF LOS ANGELES HIV/AIDS
TRANSITIONAL CASE MANAGEMENT SERVICES AGREEMENT (COUNTY
CONTRACT NO. PH-002359) WITH REALISTIC EDUCATION IN ACTION
COALITION TO FOSTER HEALTH**

This is to notify you that the Department of Public Health (DPH) is currently in the process of terminating Contract Number PH-002359 with Realistic Education in Action Coalition to Foster Health (REACH LA) for the provision of HIV/AIDS Transitional Case Management Services.

As you are aware, Contract Number PH-002359 was the subject of litigation brought by the AIDS Healthcare Foundation (AHF). That litigation challenged five sole source contracts approved by your Board on December 18, 2012, for the provision of integrated behavioral health and primary care, legal, and transitional case management (TCM) services with Public Counsel, UCLA, St. John's Well Child and Family Center, Dr. Neva Chaupette, and REACH LA. During the pendency of the litigation AHF dropped its challenge to DPH's contracts with Public Counsel and Dr. Neva Chaupette. On March 7, 2014, the Los Angeles County Superior Court upheld the validity of DPH's contracts with UCLA and St. John's Well and Family Center. Unfortunately, the Court ruled that although DPH's contract with REACH LA was entered into based upon a service need exigency, the extended time period that it took DPH to recommend this contract to your Board made DPH's determination that it was infeasible to contract for these services without a competitive bid process an abuse of discretion. Accordingly, the Court ordered that the contract be terminated within 45 days of its final order.

To comply with the Court's order, on April 15, 2014, DPH provided REACH LA with a 30 calendar day advance written notice of termination, effective at midnight on May 15, 2014, as stipulated in the contract's *Additional Provisions, Paragraph 46, Termination for Convenience*:

"The performance of services under this contract may be terminated with or without cause, in whole or in part, from time to time when such action is deemed by County to be in its best interest. Termination of services hereunder shall be effected by delivery to Contractor of a thirty (30) calendar day advance notice of termination."

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DPH's Division of HIV and STD Programs (DHSP) has asked REACH LA to submit a client transition plan by April 30, 2014. DHSP will review the transition plan and work with REACH LA to determine next steps in order to ensure the most efficient transition of clients.

DPH remains disappointed with the Court's invalidation of the REACH LA contract. As a result of AHF's legal challenge, young African-American and Latino gay men in South Los Angeles living with or at risk for contracting HIV will not have access to critical outreach and linkage to care services until a Request for Proposals can be issued and services can be procured.

If you have any questions or would like additional information, please let me know.

JEF:ev
#2971

c: Chief Executive Officer
County Counsel
Executive Officer, Board of Supervisors